

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **JOANNE R. RICHMAN, M.D.**

4 Holder of License No. 30563
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-12-1180A

**ORDER FOR LETTER OF REPRIMAND
AND PROBATION AND CONSENT TO
THE SAME**

7 Joanne R. Richman, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Letter of Reprimand and Probation;
9 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of
10 this Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 30563 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-12-1180A after receiving a complaint
17 from Respondent's ex-husband's attorney indicating that Respondent had been
18 prescribing Fioricet for her ex-husband in high quantities for the last 2½ years and picking
19 up the prescriptions, allegedly for him, without his knowledge or consent.

20 4. Board staff queried the Pharmacy Board's Controlled Substance
21 Prescription Monitoring Program (CSPMP) regarding all controlled substance prescriptions
22 written to Respondent and controlled substances prescription written to her ex-husband.
23 The results of the query indicated that Ambien prescriptions were written to Respondent by
24 two providers, and the results of the query regarding her ex-husband showed that there
25 were no controlled substances written for him as Fioricet is not a controlled substance.

1 5. Board staff met with Respondent and she admitted the allegations. She
2 stated that she has migraines and her Fioricet usage had increased over the years, and
3 she would often take 10 Fioricet daily. Respondent stated that she did not take Fioricet
4 while working and that she always worked through the pain by taking over the counter
5 medication. Respondent stated that she does not have a substance abuse problem, but
6 has a problem regarding her over-usage of Fioricet. She told Board staff that she
7 discontinued her use of Fioricet and independently sought help at Integrated Treatment
8 Services, on an outpatient basis.

9 6. Respondent further alleged that her ex-husband, the complainant, prescribed
10 or overprescribed the very same drug to her while they were married and in doses equal to
11 those giving rise to the complaint. According to Respondent, he not only knew that she
12 utilized the drug and used it to excess, but he fostered and cultivated her dependence on
13 the drug. Finally, she alleged that he also issued prescriptions to her after they were
14 divorced.

15 7. Integrated Treatment Services submitted correspondence to the Board
16 stating that Respondent completed an evaluation on September 27, 2012 regarding her
17 Fioricet misuse. It was recommended that Respondent immediately stop taking the
18 medication and she consented to a 5-day outpatient detoxification treatment. Integrated
19 Treatment Services further reported that on October 5, 2012, Respondent was discharged
20 in stable condition and showed no signs of physical withdrawal.

21 8. Following the investigational interview with Board staff, Respondent was
22 referred to and underwent an assessment by the Physician Health Program (PHP)
23 Monitor. The diagnostic impression was Barbiturate Abuse, and the PHP Monitor
24 determined that Respondent was safe to practice medicine. The PHP Monitor
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1 recommended that Respondent enroll in PHP's diagnostic abuse track monitoring for a
2 period of two years.

3 9. On November 14, 2012, Respondent entered into an Interim Consent
4 Agreement for PHP monitoring, and remains in compliance with the terms and conditions
5 of the Agreement.

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7 **CONCLUSIONS OF LAW**

8 1. The Board possesses jurisdiction over the subject matter hereof and over
9 Respondent.

10 2. The conduct and circumstances described above constitute unprofessional
11 conduct pursuant to A.R.S. § 32-1401(27)(f) ("[h]abitual intemperance in the use of alcohol
12 or habitual substance abuse.")

13 3. The conduct and circumstances described above constitute unprofessional
14 conduct pursuant to A.R.S. § 32-1401(27)(j) ("[p]rescribing, dispensing or administering
15 any controlled substance or prescription-only drug for other than accepted therapeutic
16 purposes.")

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18 **ORDER**

19 IT IS HEREBY ORDERED THAT:

20 1. Respondent is issued a Letter of Reprimand.

21 2. Respondent is placed on probation for two year(s) with the following terms
22 and conditions:

1 (a) Respondent shall promptly enroll in and participate in the Board's Physician
2 Health Program (PHP) monitoring service, which is administered by a private contractor.
3 ("Monitor").¹

4 (b) Respondent shall not consume alcohol or any food, or other substance
5 containing poppy seeds or alcohol.

6 (c) Respondent shall not take any illegal drugs or mood altering medications.

7 (d) Respondent shall not take any controlled substances except as prescribed by a
8 physician for a proper therapeutic purpose.

9 (e) Respondent shall submit to random biological fluid testing for two years from the
10 date of this order (as specifically directed below).

11 (f) Respondent shall provide the Monitor in writing with one telephone number that
12 shall be used to contact Respondent on a 24 hour per day/seven day per week basis to
13 submit to biological fluid collection. For the purposes of this section, telephonic notice shall
14 be deemed given at the time a message to appear is left at the contact telephone number
15 provided by Respondent. Respondent authorizes any person or organization conducting
16 tests on the collected samples to provide testing results to the Monitor. Respondent shall
17 comply with all requirements for biological fluid collection. Respondent shall pay for all
18 costs for the biological fluid testing.

19 (g) Respondent shall provide the Monitor with written notice of any plans to travel
20 out of state.

21 (h) Respondent shall successfully complete a monitor approved 36 hour
22 alcohol/drug awareness education class.

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¹ Respondent's participation in PHP shall be retroactive to November 14, 2012.

1 (i) Payment for Service. Respondent shall pay for all costs, including Monitor costs,
2 associated with participating in PHP at the time service is rendered, or within 30 days of
3 each invoice sent to the Respondent. An initial deposit of two months monitoring fees is
4 due upon entering the program. Failure to pay either the initial monitoring deposit or
5 monthly fees 60 days after invoicing will be reported to the Board by the contractor and
6 may result in disciplinary action up to and including revocation.

7 (j) In the event of the use of drugs or alcohol by Respondent in violation of this
8 Order, Respondent shall promptly enter into an Interim Order for Treatment and Consent
9 to the Same at a Board approved facility. Following the successful conclusion of treatment,
10 Respondent shall execute a consent agreement for full participation in PHP. In no respect
11 shall the terms of this paragraph restrict the Board's authority to initiate and take
12 disciplinary action for violation of this Order.

13 (k) Respondent shall immediately provide a copy of this Order to all current and
14 future employers and all hospitals and free standing surgery centers where Respondent
15 has privileges. Within 30 days of the date of this Order, Respondent shall provide the
16 Monitor with a signed statement of compliance with this notification requirement.
17 Respondent is further required to notify, in writing, all employers, hospitals and free
18 standing surgery centers where Respondent currently has or in the future gains
19 employment or privileges, of a chemical dependency relapse.
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21 (l) In the event Respondent resides or practices as a physician in a state other than
22 Arizona, Respondent shall participate in the rehabilitation program sponsored by that
23 state's medical licensing authority or medical society. Respondent shall cause the
24 monitoring state's program to provide written quarterly reports to the Monitor regarding
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1 Respondent's attendance, participation, and monitoring. The monitoring state's program
2 and Respondent shall immediately notify the Monitor if Respondent: a) is non-compliant
3 with any aspect of the monitoring requirements; b) relapses; c) tests positive for controlled
4 substances; d) has low specific gravity urine drug test(s), missed and/or late urine drug
5 tests, or otherwise rejected urine drug tests; and e) is required to undergo any additional
6 treatment. 16. This Order supersedes all previous consent agreements and
7 stipulations between the Board and/or the Executive Director and Respondent.

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9 17. The Board retains jurisdiction and may initiate new action based upon any
10 violation of this Order.

11 DATED AND EFFECTIVE this 10th day of JUNE, 2013.

12 ARIZONA MEDICAL BOARD

13 By 

14 Lisa S. Wynn
15 Executive Director

16 .CONSENT TO ENTRY OF ORDER

17 1. Respondent has read and understands this Consent Agreement and the
18 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
19 acknowledges she has the right to consult with legal counsel regarding this matter.

20 2. Respondent acknowledges and agrees that this Order is entered into freely
21 and voluntarily and that no promise was made or coercion used to induce such entry.

22 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
23 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
24 this Order in its entirety as issued by the Board, and waives any other cause of action
25 related thereto or arising from said Order.

1 4. The Order is not effective until approved by the Board and signed by its
2 Executive Director.

3 5. All admissions made by Respondent are solely for final disposition of this
4 matter and any subsequent related administrative proceedings or civil litigation involving
5 the Board and Respondent. Therefore, said admissions by Respondent are not intended
6 or made for any other use, such as in the context of another state or federal government
7 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
8 any other state or federal court.

9 6. Upon signing this agreement, and returning this document (or a copy thereof)
10 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
11 the Order. Respondent may not make any modifications to the document. Any
12 modifications to this original document are ineffective and void unless mutually approved
13 by the parties.

14 7. This Order is a public record that will be publicly disseminated as a formal
15 disciplinary action of the Board and will be reported to the National Practitioner's Data
16 Bank and on the Board's web site as a disciplinary action.

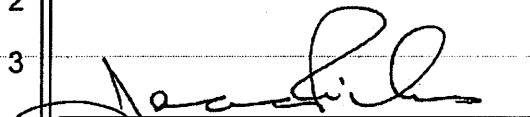
17 8. If any part of the Order is later declared void or otherwise unenforceable, the
18 remainder of the Order in its entirety shall remain in force and effect.

19 9. If the Board does not adopt this Order, Respondent will not assert as a
20 defense that the Board's consideration of the Order constitutes bias, prejudice,
21 prejudgment or other similar defense.

22 10. Any violation of this Order constitutes unprofessional conduct and may result
23 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
24 consent agreement or stipulation issued or entered into by the board or its executive
25 director under this chapter") and 32-1451.

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11. Respondent has read and understands the conditions of probation.


Joanne R. Richman, M.D.

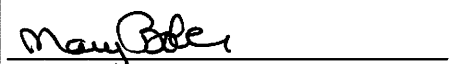
DATED: 4-23-13

EXECUTED COPY of the foregoing mailed
this 10th day of June, 2013 to:

Thomas M. Connelly, Esq.
Law Offices of Thomas M. Connelly
2425 East Camelback Rd., Suite 880
Phoenix, Arizona 85016
Attorney for Respondent

ORIGINAL of the foregoing filed
this 10th day of June, 2013 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258


Arizona Medical Board Staff